IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.104 OF 2005

IN

SUIT NO.115 OF 2005

Bharati Cellular Limited. ... Plaintiff.

vs.

The Advertising Standards Council of India. .... Defendant.

Mr.Sudeep Sen i/b. D.H.Law Associates, for Plaintiff.

Mr.Sham Diwan with Darshan Mehta i/b. Dhru Liladhar & Co. for Defendant.

CORAM: D.K.DESHMUKH,J.

DATED: 2nd March,, 2006

P.C.:-

1. The learned Counsel appearing for defendant states that the opinion that defendant has formed about the advertisement of the plaintiff will be intimated by the defendant to its members only and it will not be published in any newspaper or in any other media. The

learned Counsel appearing for plaintiff on the other hand submits that the communication of the opinion formed by the defendant about the advertisement of the plaintiff to the members of the defendant by the defendant amounts to defamation. In my opinion, prima facie it cannot be accepted. The defendant claims to be a body for self regulation in advertising and the opinion that is formed about advertisement of the plaintiff can be intimated in good faith and in the interest of their trade. It does not appear that it will amount to defamation. At least at this stage there is no room to grant any temporary injunction in favour of the plaintiff. Hence, the notice of motion is disposed of.